REMARKS

Claims 1-11 and 13-21 remain pending in the present application. The claims have not been amended in response to the above referenced Office Action.

DRAWINGS

The drawings are objected to under 37 CFR 1.83(a). Applicants respectfully traverse this rejection.

Figure 1 of the originally filed application illustrates lower working chamber 26, passage 132, lower intermediate chamber 54, compression outlet 58 and compression inlet 80 of valve assembly 22. Thus, lower working chamber 26 is in direct communication with valve assembly 22 through passage 132, lower intermediate chamber 54 and compression outlet 58.

Figure 1 of the originally filed application also illustrates upper working chamber 24, passage 130, upper intermediate chamber 52, rebound outlet 56 and rebound inlet 56 of valve assembly 22. Thus, upper working chamber 24 is in direct communication with valve assembly 22 through passage 130, upper intermediate chamber 52 and rebound outlet 56.

Thus, Applicant believes the drawings show the single valve assembly 22 as being in direct communication with both the upper and lower working chambers. Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-11 and 13-21 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse this rejection.

Single valve assembly 22 controls the fluid flow between upper working chamber 24 and reserve chamber 38 and between lower working chamber 26 and reserve chamber 38. To do this, single valve assembly 22 is in direct communication with upper working chamber 24, lower working chamber 26 and reserve chamber 38.

Referring to page 11, line 16 to page 12, line 3 of the original specification, during a rebound (extension stroke) fluid flows from upper working chamber 24, through passage 130, through upper intermediate chamber 52, through rebound outlet 56, through rebound inlet 88 of valve assembly 22 and then through valve assembly 22 into reserve chamber 38.

Referring to page 12, lines 4-18 of the original specification, during a compression stroke, fluid flows from lower working chamber 26, through passage 132, through lower intermediate chamber 54, through compression outlet 58, through compression inlet 80 of valve assembly 22 and then through valve assembly 22 into reserve chamber 38.

Thus, valve assembly 22 has two inlets (80, 88), one in direct communication with lower working chamber 26 and the other in direct communication with upper working chamber 24 and an outlet in communication with reserve chamber 38. As illustrated schematically in Figure 5, valve assembly 22 (enclosed in the broken line) is

in direct communication with the upper and lower working chambers and the reserve chamber.

Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-11 and 13-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves, et al. (U.S. Pat. No. 6,464,048) in view of Nezu, et al. (U.S. Pat. No. 5,586,627). Applicants respectfully traverse this rejection.

Claim 1 includes a reserve tube which defines a reserve chamber. A single valve assembly defines a first flow path which includes a first variable orifice for controlling flow directly from the upper working chamber to the reserve chamber and a second flow path which includes a second variable orifice for controlling flow directly from the lower working chamber to the reserve chamber. The first flow path is defined as the only direct flow path between the upper working chamber and the reserve chamber.

Groves, et al. (USP 6,464,048) discloses a shock absorber having two fluid flow paths between the upper working chamber and the reserve chamber. Figure 7 illustrates, in solid lined arrows, a first flow path from upper working chamber 24 through passage 130, through intermediate chamber 50, through valve assembly 22 to reserve chamber 36 (column 6, line 44+). A second flow path is illustrated with dashed line arrows in Figure 8. Check valve 244 opens to allow flow from reserve chamber 36 through passage 230, into chamber 228, through passage 242, check valve 244 into chamber 236 through passage 232, bore 238, passage 130 and into upper working chamber 24 (column 7, lines 20-25).

Nezu, et al. does not include a flow path having a first variable orifice for controlling flow from the upper working chamber to the reserve chamber. The valves in Nezu, et al. control flow between the upper and lower working chambers, not the working chamber and the reserve chamber. In fact, there is no flow path from the upper working chamber to the reserve chamber in Nezu, et al. Therefore, Groves, et al., taken alone or taken in conjunction with Nezu, et al., fails to disclose, teach or suggest the single valve assembly defining the only flow path between the upper working chamber and the reserve chamber as is now defined in Claim 1.

Thus, Applicants believe Claim 1 patentably distinguishes over the art of record. Likewise, Claims 2-11 and 13-21, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 3, 2006

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